

AN ACT

RELATING TO EDUCATION; ESTABLISHING A PILOT PROGRAM FOR THE
CREATION OF CHARTER SCHOOL DISTRICTS; ENACTING SECTIONS OF
THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is
enacted to read:

"SHORT TITLE.--Sections 1 through 7 of this act may be
referred to as the "Charter School District Act"."

Section 2. A new section of the Public School Code is
enacted to read:

"DEFINITION.--For the purpose of the Charter School
District Act, "charter school district" means an existing
school district operating under a charter that has been
approved by the state board that is nonreligious, does not
charge tuition and does not have admission requirements in
addition to those found in the Public School Code."

Section 3. A new section of the Public School Code is
enacted to read:

"CHARTER SCHOOL DISTRICTS CREATED--DISTRICT
RESPONSIBILITIES--EXEMPTIONS FROM THE PUBLIC SCHOOL CODE.--

A. Effective with the 1999-2000 school year, the
state board shall initiate a pilot program to run from the
commencement of the 1999 school year through June 30, 2005 to

test the effectiveness of charter school districts. As part of this pilot program, the state board may approve not more than three school districts, large, medium and small, in the state to operate as charter school districts.

B. To be approved as a charter school district, a local school board shall submit an application to the state board. If the state board approves an application to operate as a charter school district, the local school district shall be exempt from provisions of the Public School Code pertaining to the length of the school day, staffing patterns, subject areas and instructional materials. A charter school district shall continue to:

(1) operate as a public, nonsectarian public school district;

(2) operate in the same geographic boundaries that existed prior to becoming a charter school district;

(3) receive state money as provided in the Public School Code;

(4) provide special education services as required by state and federal laws;

(5) be liable for timely payment on its bonded indebtedness and subject to the same bonded indebtedness limitations as it did before becoming a charter school district; and

(6) be subject to all state and federal laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry or need for special education services.

C. A charter school district shall be accountable to the state board for purposes of ensuring compliance with its charter and applicable state law."

Section 4. A new section of the Public School Code is enacted to read:

"CHARTER SCHOOL DISTRICT APPLICATION REQUIREMENTS--
PROCESS--ELECTION.--

A. After a local school board applies for a charter to the state board and the state board approves the application, the board shall submit the question of whether to operate the school district as a charter school district to the qualified electors of the school district at any regular school board election or at any special election called for the purpose of voting on the question. A majority of those voting must vote in favor of the school district becoming a charter school district. Any election called for this purpose shall be conducted pursuant to the School Election Law.

B. Not less than sixty-five percent of the employees of the school district must sign a petition in

support of the school district becoming a charter district.

C. The state board shall establish by rule the application process and requirements for charter school district status.

D. The state board shall give priority consideration for charter school district status to those school districts that have received collaboration school improvement waivers or curriculum planning waivers.

E. Prior to approving an application for charter school district status, the state board shall require that the:

(1) proposed charter school district comply with all state board rules regarding accreditation;

(2) proposed charter school district comply with Sections 22-1-6 and 22-2-8 NMSA 1978; and

(3) charter school district application contain:

(a) a statement of mission and purpose for the operation of the district under a charter, including a statement of the district's goals and objectives;

(b) evidence that the charter is educationally sound and is in the best educational interests of the students;

(c) evidence that the plan is economically sound and complies with all state and federal

laws and rules;

(d) an explanation of the relationship that will exist between the charter school district and its employees, and a description of the way the terms and conditions of employment will be addressed with affected employees; and

(e) waivers requested from the state board rules.

F. The governing body of the charter school district shall continue to be the local school board."

Section 5. A new section of the Public School Code is enacted to read:

"CHARTER SCHOOL DISTRICTS--CONTRACT CONTENTS.--

A. An approved charter school district application shall constitute an agreement, and the terms of the agreement shall constitute a contract between the charter school district and the state board.

B. The contract between the charter school district and the state board shall reflect all agreements regarding the operation of the charter school district.

C. Employees of a charter school district shall be considered continuous employees without interruption of employment and continue to be subject to the requirements of the School Personnel Act and shall be afforded procedural due process rights and protections.

D. The terms of the contract may be revised at any time with the approval of both the state board and the charter school district."

Section 6. A new section of the Public School Code is enacted to read:

"CHARTER SCHOOL DISTRICTS--TERMS--RENEWAL OF CHARTER--
GROUNDS FOR NONRENEWAL, PROBATION OR REVOCATION--APPEAL.--

A. A charter may be approved for a period not to exceed four academic calendar years.

B. The department of education shall provide by rule for ongoing review of the charter school district's compliance with accreditation.

C. Staff from the department of education shall visit each charter school district at least once each year to provide technical assistance and to determine the status of the district and the progress of the district toward the goals of its charter.

D. If during the ongoing review the department of education finds that the charter school district is not in compliance with the charter, the state board may revoke the charter or place the district on probationary status."

Section 7. A new section of the Public School Code is enacted to read:

"REPORT TO LEGISLATURE ON PILOT PROGRAM.--Not later than July 30, 2004, the state board and all charter school

districts shall report to the legislature and the governor
regarding the effectiveness of the pilot program established
pursuant to the Charter School District Act."